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5 Attorneys for Plaintiffs,
6 DARIO CERAGIOLI, deceased by and through ELIZABETH CERAGIOLI, as Successor in Interest,
7 ELIZABETH CERAGIOLI in her personal capacity, MARY CERAGIOLI, ANTHONY CERAGIOLI,
and JOSHUA CERAGIOLI

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 DARIO CERAGIOLI, deceased by and
11 through ELIZABETH CERAGIOLI, as
Successor in Interest, ELIZABETH
12 CERAGIOLI in her personal capacity, MARY
CERAGIOLI, ANTHONY CERAGIOLI, and
JOSHUA CERAGIOLI,

Case No.: 2:23-cv-01113-TLN-DMC

**JOINT STIPULATION AND
ORDER TO EXTEND
PLAINTIFFS' TIME TO OPPOSE
DEFENDANTS' REINSTATED
MOTION TO DISMISS**

Complaint Filed: 6/12/23
1st Am. Comp. Filed: 6/12/24
Trial Date: None Set

14 Plaintiffs,
15 v.

16 BUTTE COUNTY, a municipal corporation;
17 Sheriff KORY L. HONEA, individually and in
his official capacity as Sheriff of BUTTE
COUNTY; CASEY O'HERN, individually
and in his official capacity as Deputy Sheriff
of BUTTE COUNTY; JOSEPH GEORGE,
individually and in his official capacity as
Deputy Sheriff of BUTTE COUNTY;
CRYSTAL COMER; TANYA ATKINSON;
PAMELA JOHANSEN; and WELLPATH,
LLC; WELLPATH MANAGEMENT, Inc.;
and DOES 1 through 60, inclusive,

22 Defendants.

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2 Plaintiffs DARIO CERAGIOLI, deceased by and through ELIZABETH CERAGIOLI, as
3 Successor in Interest, ELIZABETH CERAGIOLI in her personal capacity, MARY CERAGIOLI,
4 ANTHONY CERAGIOLI, and JOSHUA CERAGIOLI, and Defendants WELLPATH, LLC,
5 WELLPATH MANAGEMENT, INC., CRYSTAL COMER, TANYA ATKINSON, and PAMELA
6 JOHANSEN (collectively referred to as the “Parties”) by and through their respective counsels of
7 record, have met and conferred and jointly submit the following stipulation and proposed order to
8 extend Plaintiffs’ time to file Opposition to Wellpath Defendants’ Reinstated Motion to Dismiss (ECF
9 No. 52) to November 10, 2025, and the related reply deadline to 10 days thereafter, or a date soon
10 thereafter as convenient for the Court.

11 This request is based on good cause set forth below:

12 1. The original complaint in this case was filed on June 12, 2023. The First
13 Amended Complaint was filed on June 12, 2024.

14 2. On November 11, 2024, Defendants Wellpath, LLC, and Wellpath Management,
15 Inc., (collectively, the “Wellpath Defendants”) filed bankruptcy petitions in the
16 United States Bankruptcy Court for the Southern District of Texas (Houston
17 Division) (the “Bankruptcy Court”). On November 13, 2024, the Wellpath
18 Defendants informed this Court and the parties to this action of the bankruptcy
19 petitions, jointly administered under lead Case No. 24-90533, and advised of an
20 automatic stay to proceedings in the instant action.

21 3. On June 4, 2025, the Bankruptcy Court issued a General Form of Order stating
22 that the stay was no longer in effect, a Liquidating Trust had assumed the
23 Wellpath Defendants’ liability in claims, and establishing trust distribution
24 procedures.

- 1 4. On June 19, 2025, Wellpath Defendants filed a Motion to Dismiss in this Court.
- 2 5. On August 4, 2025, the Bankruptcy Court ordered that a claimant could liquidate
- 3 her personal injury claims against Wellpath entities in her original forum and that
- 4 the Wellpath Defendants and/or the Wellpath Liquidating Trust could be named
- 5 as nominal defendants in those matters.
- 6 6. On September 2, 2025, Wellpath bankruptcy counsel and the Wellpath
- 7 Liquidating Trust counsel filed objections in Bankruptcy Court to allowing
- 8 claimants to proceed nominally against the Wellpath Defendants and the
- 9 Wellpath Liquidating Trust.
- 10 7. On September 23, 2025, Wellpath Liquidating Trust counsel filed a motion in
- 11 Bankruptcy Court moving to require claimants to engage in the trust distribution
- 12 procedures outlined in Wellpath Defendants' April 29, 2025 bankruptcy plan
- 13 filing before proceeding against the Wellpath Defendants in their original
- 14 forums.
- 15 8. Parties met and conferred after the September 23, 2025, motion's filing and did
- 16 not agree regarding the implications of the Bankruptcy Court's orders and the
- 17 aforementioned objections and motion before it.
- 18 9. On October 21, 2025, the Bankruptcy Court set a hearing on the September 23,
- 19 2025, motion for November 25, 2025.
- 20 10. On November 4, 2025, a creditor filed a Motion to Clarify and Enforce Right to
- 21 Proceed Against Debtor Wellpath or Liquidating Trustee as a Nominal
- 22 Defendant to Liquidate Claims in Pending District Court pursuant to 11 U.S.C. §
- 23 157(b)(5) or for Alternative Relief (the "Motion to Clarify") in the Bankruptcy
- 24 Court.

11. The Bankruptcy Court also set the Motion to Clarify to be heard at the November
25, 2025, hearing.
12. Parties agree that an extension of time for Plaintiffs' Opposition to Wellpath
Defendants' Motion to Dismiss is in the interest of justice so they can confer
further after the Bankruptcy Court issues a ruling following the November 25,
2025, hearing.
13. Therefore, Parties request an extension of time from November 10, 2025, to
January 9, 2026, for Plaintiffs' Opposition to the Motion to Dismiss.
14. This is the fourth request for extension of time for Plaintiffs' Opposition, and the
third joint stipulation requesting extension. The first request for extension of time
was a motion for 45-day extension made by Plaintiffs. On July 1, 2025, the Court
issued its Minute Order on the first request, allowing filing of Plaintiffs'
Opposition by August 14, 2025, vacating the set Motion to Dismiss hearing, and
stating that should the Court deem oral argument necessary, it will be scheduled
at a later date. The second request for extension of time was a joint stipulation
made by Plaintiffs and Wellpath Defendants for a 43-day extension. On August
14, 2025, the Court issued its signed order on the joint stipulation, allowing filing
of Plaintiffs' Opposition by September 26, 2025, and the Defendants' reply 10
days thereafter. The third request for extension of time was a joint stipulation
made by Plaintiffs and Wellpath Defendants for a 45-day extension. On
September 26, 2025, the Court issued its signed order on the joint stipulation,
allowing filing of Plaintiffs' Opposition by November 10, 2025, and the
Defendants' reply 10 days thereafter.
15. The Parties request and stipulate that Wellpath Defendants' reply deadline will

1 run with the new Opposition due date.

2 The Parties respectfully submit that the circumstances set forth above demonstrate good cause
3 to grant the requested extension, and the interests of justice will be served by the same.

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5 DATED: November 7, 2025

MITCHELL LEEDS, LLP

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7 By: /s/ Rujuta Nandgaonkar, Esq.
Rujuta Nandgaonkar, Esq.
8 Attorney for Plaintiffs

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10 DATED: November 7, 2025

MEDICAL DEFENSE LAW GROUP

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12 By: /s/ Paul Cardinale, Esq. authorized on 11/07/25
Paul A. Cardinale, Esq.
13 Attorney for Defendants WELLPATH, LLC;
14 WELLPATH MANAGEMENT, INC.; CRYSTAL
COMER; TANYA ATKINSON; and PAMELA
JOHANSEN

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16 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiffs' time to file Opposition
17 to Wellpath Defendants' Reinstated Motion to Dismiss is extended to January 9, 2026, and the related
18 Defendants' reply deadline is extended to 10 days thereafter.

19 DATED: November 7, 2025

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Troy L. Nunley
Chief United States District Judge